UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,848	12/17/2003	Carl Joseph Kraenzel	042846-0312967	5441

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EXAMINER
MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/736,848	KRAENZEL, CARL JOSEPH
	Examiner	Art Unit	
	Glenford Madamba	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 August 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-57</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-57</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>08/07</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20071012

DETAILED ACTION

1.   This action is in response to amendments and remarks filed by Applicant on

August 6, 2007.

Response to Amendments and Remarks

2.   With respect to Applicant's latest remarks and claim amendments, the Office has

given consideration to the amendments and remarks submitted on August 6, 2007, but

are now considered moot in light of the new grounds of rejection provided for the current

listing of claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 6-21, 24-31, 34-39 and 52-57 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Bode et al (hereinafter Bode), U.S. Patent US 7,206,778 in

view of Fratkina et al (hereinafter Fratkina), U.S. Patent Publication US 2001/0049688

A1.

As per claims 1, 29 and 57, Bode in view of Fratkina discloses a system for monitoring a

communication and retrieving information relevant to the communication [Abstract],

comprising:

a server connected to a network (content provider server 100) [Fig. 1], the server

comprising an information module;

a first interface to a communications link (130) for connecting the server to a

remote client (user 105);

a second interface for connecting the server to at least one data source

(knowledge containers 201 / 202) [Fig. 2]; and wherein the information module

comprises:

a monitoring module that monitors, via the first interface, a communication

between a user associated with the remote client (communication / dialog engine 435)

[Fig. 4] and at least one other individual;

a topic filter module that filters one or more topic words appearing in the

communication (filter / lexical taxonomies) [col 5, L6-15]; and

a search module that executes searches against the at least one data source using the one or more topic words to generate search results (Search Engine 410) [Figs 4 & 5].

With regards to the claim, while Bode discloses substantial features of the invention, he does not expressly disclose the additionally amended feature of "a communication *between a user* associated with the remote client *and at least one other individual*". The feature is disclosed by Fratkina, which is incorporated by reference, in a related endeavor.

Fratkina discloses as his invention a method and system for retrieving information through the use of a multi-stage interaction with a client to identify particular knowledge content associated with a knowledge map. Specifically, Fratkina discloses the above said amended feature of a communication *between a user* associated with the remote client *and at least one other individual* [Figs. 19-21] (e.g., Escalation causing a *"live chat" type of interaction with a human* to appear within the user's web browser....) [0225].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Bode's invention with the above said feature, as disclosed by Fratkina, for the motivation of providing a multi-step conversation-like interaction between a person and a computer or other device to refine and satisfy the person's request for information [0005].

As per claims 2 and 30, Bode discloses the system of claim 1, wherein the information module further comprises a results module for outputting the search results to the remote client (Result Ranking Engine 415) [Figs. 4 & 5].

As per claims 3 and 31, Bode discloses the system of claim 1, wherein the network comprises the Internet [col 1, L15].

As per claims 6 and 34, Bode discloses the system of claim 1, wherein the communications link comprises a wireless connection (e.g. mobile device 2) [Fig. 1 of Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

As per claims 7 and 35, Bode discloses the system of claim 1, wherein the remote client comprises at least one of a personal computer, personal digital assistant, or a wireless terminal device (PC or PDA) [col 25, L35-42].

As per claims 8 and 36, Bode discloses the system of claim 1, wherein the at least one data source comprises at least one database (content base 115) [col 24, L10-13].

As per claims 9 and 37, Bode discloses the system of claim 1, wherein the at least one data source comprises at least one knowledge management (KM) repository (Knowledg

Corpus 425) [Fig. 4].

As per claims 10 and 38, Bode discloses the system of claim 1, wherein the information module comprises an Internet web site (e.g. website) [{0178} of Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

As per claims 11 and 39, Bode discloses the system of claim 1, wherein the information module comprises a software application (i.e., software) [col 24, L10-13].

As per claims 12 and 40, Bode discloses the system of claim 1, wherein the monitoring module receives the communication as input (e.g. email inquiry / dialog) [col 1, L36] [Fig. 4].

As per claims 13 and 41, Bode discloses the system of claim 1, wherein the monitoring module receives the communication as input in real time (i.e., real-time timer) [col 10, L45-55].

As per claims 14 and 42, Bode discloses the system of claim 1, wherein the communication comprises at least one text message (text communication 201) [Fig. 3].

As per claims 15 and 43, Bode discloses the system of claim 14, wherein the at least

one text message comprises an electronic mail message (email communication 201)

[Fig. 3].

As per claims 16 and 44, Bode discloses the system of claim 14, wherein the at least

one text message comprises a plurality of text messages comprising a web chat

("dialogs" on the web) [Figs. 11-13, 15-17, 19 and 21] & {0178} of Pat. Application

09/798964, incorporated by reference] [col 3, L42-64].

As per claims 17 and 45, Bode discloses the system of claim 1, wherein the

communication comprises a voice communication (e.g. telephone call) [col 1, L36].

As per claims 18 and 46, Bode discloses the system of claim 17, wherein the voice

communication comprises at least one of a telephone conference, or live conversation

(e.g, Internet based-telephone videoconferencing) [col 5, L29-35].

As per claims 19 and 47, Bode discloses the system of claim 17, wherein the monitoring

module receives the voice communication as input in real time and converts it to text

[{Abstract} {0015} (IVR / text to speech system) {0184} of Pat. Application 09/798964,

incorporated by reference] [col 3, L42-64].

As per claims 20 and 48, Bode discloses the system of claim 1, wherein the topic filter

module filters one or more topic words appearing in the communication using a

weighted averaging algorithm (e.g., term-extraction algorithm with weighted tags 202)

[Fig. 12] [col 2, L47-49].

As per claims 21 and 49, Bode discloses the system of claim 20, wherein the topic filter

module ("topic spotter") [col 6, L39] applies the weighted averaging algorithm to the

communication at a predetermined frequency (e.g., term-extraction algorithm with

weighted tags 202) [Fig. 12] [col 2, L47-49].

As per claims 24 and 52, Bode discloses the system of claim 2, wherein the results

module outputs hypertext links to the search results, so that a user associated with the

remote client may select the hypertext links to access the search results (email

response including hyperlinks) [col 6, L60].

As per claims 25 and 53, Bode discloses the system of claim 1, wherein the information

module further comprises a customization module for enabling a user associated with

the remote client to specify one or more parameters (search strategy 910 / preferences)

[col 19, L35-65] [Fig. 9].

As per claims 26 and 54, Bode discloses the system of claim 25, wherein the user may

specify the types of communication to be monitored by the monitoring module (e.g,

email, Internet based-telephone videoconferencing, text message) [col 5, L29-35].

As per claims 27 and 55, Bode discloses the system of claim 25, wherein the user may specify the at least one data source to be searched [{0179} of Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

As per claims 28 and 56, Bode discloses the system of claim 25, wherein the user may specify the format of the search results [Figs. 11-13, 15-17, 19 and 21] & {0178} of Pat. Application 09/798964, incorporated by reference] [col 3, L42-64].

3. Claims 4 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Fratkina and in further view of Teng et al (hereinafter Teng), U.S. Patent 6,976,018.

As per claims 4 and 32, Bode in view of Fratkina and in further view of Teng discloses the system of claim 1, wherein the network comprises at least one of an intranet or a virtual private network.

While the combination of Bode and Fratkina disclose substantial features of the invention such as a system for monitoring a communication and retrieving information relevant to the communication [Abstract], neither explicitly discloses the additional

feature of the system wherein the network comprises at least one of an intranet or a virtual private network. The feature is disclosed by Teng in a related endeavor.

Teng discloses as his invention a method that queries a plurality of search engines for properties to identify for which content categories the search engines are suited. A query to locate content is communicated to those of the plurality of search engines suited to service the query to locate content, based on at least one content category of the query to locate content [Abstract] [Figs. 1-3]. In particular, Teng discloses the added feature of the system wherein the network comprises at least one of an intranet or a virtual private network [col 1, L15-34].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Bode and Fratkina with the above additional feature of the system wherein the network comprises at least one of an intranet or a virtual private network, as disclosed by Teng, for the motivation of providing search options that enables the selection of the best available search technology for a particular search query, as well as providing for flexibility [col 1, L35-42].

4. Claims 5 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Fratkina and in further view of Burdick et al (hereinafter Burdick), U.S. Patent 7,185,001.

As per claims 5 and 33, Bode in view of Burdick discloses the system of claim 1,
wherein the communications link comprises at least one of a digital subscriber line
(DSL) connection, a digital data services (DDS) connection, an Ethernet connection, an
integrated services digital network (ISDN) line, or an analog modem connection.

While the combination of Bode and Fratkina disclose substantial features of the
invention such as a system for monitoring a communication and retrieving information
relevant to the communication [Abstract], neither explicitly discloses the added feature
of the system wherein the communications link comprises at least one of a digital
subscriber line (DSL) connection, a digital data services (DDS) connection, an Ethernet
connection, an integrated services digital network (ISDN) line, or an analog modem
connection. The feature is disclosed by Burdick in a related endeavor.

Burdick discloses as his invention an interactive document search, retrieval,
categorization, and summarization method and system [Abstract] [Fig. 1]. The
invention retrieves relevant documents from a computer network in response to a
user's query and organizing the retrieved document into categories [col 1, L10-17]. In
particular, Burdick discloses the added feature of the system wherein the
communications link comprises at least one of a digital subscriber line (DSL)
connection, a digital data services (DDS) connection, an Ethernet connection, an
integrated services digital network (ISDN) line, or an analog modem connection [col 6,
L30-44] [Fig. 1].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Bode and Fratkina with the above additional feature of the system wherein the communications link comprises at least one of a digital subscriber line (DSL) connection, a digital data services (DDS) connection, an Ethernet connection, an integrated services digital network (ISDN) line, or an analog modem connection, as disclosed by Burdick, for the motivation of providing a system and method for interactively searching, retrieving, categorizing, and summarizing documents, and for minimizing the opening, closing, and reading of documents [col 2, L24-29].

5.   Claims 22, 23, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bode in view of Official Notice.

As per claims 22 and 50, Bode in view of Official Notice discloses the system of claim 21, wherein a user associated with the remote client specifies the frequency.

As per claims 23 and 51, Bode in view of Official Notice discloses the system of claim 21, wherein the information module designates a default frequency.

With regards to the claims, Official Notice is taken in that it the specification of a frequency by a user associated with a remote client and/or designation of a default

frequency by an information module of the system is would be obvious to one of

ordinary skill in the art for applying an algorithm (e.g., term-extraction algorithm with

weighted tags 202) [Fig. 12] [col 2, L47-49] to the module of the system at a particular

rate and as part of the design in the monitoring of communication for searching and

retrieving documents and other content using search engines and a knowledge

database (knowledge containers 201 / 202) [Fig. 2].

As support for the assertion of obviousness in view of what is known in the art,

the Office additionally remarks that, upon a closer examination of the full teachings by

Bode, the feature of the system wherein a user specifies a frequency or wherein a

default frequency is designated is actually expressly disclosed by the Bode prior art

reference (e.g. Algorithmic implementation for searching a specified/selected n-

dimensional search matrix) [col 15, L46 – col 16, L37] [Fig. 8] or, alternatively, the

Burdick prior art reference (e.g., iterative reclustering / recategorization or Search

refinement) [col 9, L33 – col 10, L50] [Fig. 1].

Conclusion

1.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office Action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP 706.06(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

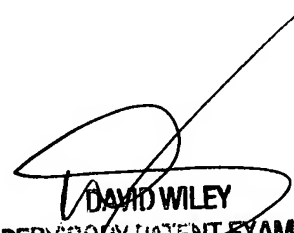than SIX MONTHS from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Glenford Madamba whose telephone number is 571-

272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Valencia Wallace Martin can be reached on 571-272-3440. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba
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